

AMENDED IN SENATE MAY 7, 2009
AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 228

Introduced by Senator DeSaulnier

February 23, 2009

An act to add Section 42357.5 to the Public Resources Code, relating to plastic bags.

LEGISLATIVE COUNSEL'S DIGEST

SB 228, as amended, DeSaulnier. Plastic bags: compostable or ~~marine degradable~~ plastic bags.

The California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, prohibits a person from selling a plastic bag in this state that is labeled with the term "compostable" or "marine degradable" unless, at the time of sale, the plastic bag meets specified standards for those types of bags.

This bill would require, *beginning July 1, 2010*, a manufacturer of a ~~marine degradable or~~ compostable plastic bag meeting those standards to ensure that the ~~marine degradable or~~ compostable plastic bag is readily and easily identifiable from other plastic bags. The bill would define "readily and easily identifiable" *identifiable," to include labeling with a boardapproved certification logo.* The bill would prohibit a compostable plastic bag sold in the state from displaying a chasing arrow resin identification code or recycling type of symbol in any form. *The bill would require the manufacturers or suppliers of compostable bags to submit a yearly report to the board containing certain information, subject those manufacturers or suppliers to audit by the board, and require the board to refer a false or misleading certification*

or other information reported by those manufacturers or suppliers to the Attorney General for prosecution.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42357.5 is added to the Public Resources
2 Code, to read:

3 42357.5. (a) Beginning July 1, 2010, a manufacturer of a
4 ~~marine degradable or compostable~~ plastic bag meeting an ASTM
5 standard specification specified in paragraph (1) of subdivision
6 (b) of Section 42356 *or Section 42356.1* shall ensure that the
7 ~~marine degradable or compostable~~ plastic bag is readily and easily
8 identifiable from other plastic bags.

9 (b) For purposes of this section, “readily and easily identifiable”
10 means labeling that meets both of the following requirements:

11 ~~(1) Labeled with a recognized certification logo, such as the~~
12 ~~Biodegradable Products Institute logo, as meeting the ASTM~~
13 ~~D6400 or D7081 standard specification.~~

14 *(1) Labeled with a boardapproved certification logo indicating*
15 *the bag meets the ASTM D6400 standard specification if the bag*
16 *has been certified as meeting that standard.*

17 (2) Labeled in accordance with one of the following:

18 (A) The bag is made of a uniform color of green and labeled
19 with the word “compostable” on one side of the bag, and the label
20 shall be at least one inch in height.

21 (B) Labeled with the word “compostable” on both sides of the
22 bag and the label shall be one of the following:

23 (i) Green color lettering at least one inch in height.

24 (ii) Within a contrasting green color band of at least one inch
25 in height on both sides of the bag with color contrasting lettering
26 of at least one-half inch in height.

27 (c) A compostable plastic bag sold in the state shall not display
28 a chasing arrow resin identification code or recycling type of
29 symbol in any form.

30 *(d) (1) Each manufacturer or supplier of a compostable bag*
31 *shall submit a report to the board containing the certification*
32 *required by this section for the preceding calendar year, together*
33 *with any other information that the board may require.*

1 (2) *Each manufacturer or supplier required to provide*
2 *certification or any information pursuant to this section shall be*
3 *subject to audit by the board.*

4 (3) *If a manufacturer or supplier provides the board with a false*
5 *or misleading certification or other information, the board, within*
6 *30 days of determining that fact, shall refer the false or misleading*
7 *certification to the Attorney General for prosecution for fraud.*

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